

Jan/Feb 2018

MARC WHITEHEAD & ASSOCIATES
ATTORNEYS AT LAW, LLP
A NATIONAL DISABILITY CLAIMS LAW FIRM

Vol. 4

Issue: 01

THE NEWSLETTER YOU'VE BEEN WAITING FOR... Successful Barrister



"MARKETING, MANAGEMENT & LIFE SKILLS THAT PROBABLY WON'T GET YOU DISBARRED"

SAME BEST Price: ~~\$199.99~~ \$159.99 \$125.99 \$99.99 \$89.99 \$79.99 \$75.99 \$70.99 \$69.99 \$67.99 \$66.99 \$65.99 **\$60.52**

HAPPY NEW YEAR — 2018 from Marc Whitehead & Associates!

New year, new you?? This month's issue of **The Successful Barrister** is full of fresh ideas sure to give you some new and achievable goals for your practice in 2018. As always, reach out to marc@marcwhitehead.com if you know someone who would benefit from our sage advice.

RAINMAKING for INTROVERTS

How to Captivate Your Social & Professional Acquaintances to Build Your Practice



MARC WHITEHEAD
BOARD CERTIFIED - PERSONAL
INJURY TRIAL LAW
TEXAS BOARD OF LEGAL
SPECIALIZATION
BOARD CERTIFIED - SOCIAL
SECURITY DISABILITY LAW
NATIONAL BOARD OF SOCIAL
SECURITY DISABILITY ADVOCACY

Rainmaking, the art of generating business through referrals, is the life blood of most attorney's practices. Good rainmakers know how to put themselves out there to build referral sources and make the rain happen. People do business with people they know, like and trust. Screw

any one of these three up and kiss your rainmaker status goodbye.

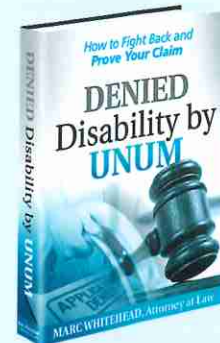
Believe it or not, a huge number of attorneys are introverts by nature. I know I sure am. Not the best trait to have if you want to be a rainmaker. The good news is that you can overcome your introverted ways with a little thought, practice and guidance from the most recent book I have read, Captivate by Vanessa Van Edwards.

CONTINUES ON PAGE 2

INSIDE THIS ISSUE

- *Rainmaking for Introverts* pg. 1
- *Robot Lawyers are Taking Over!?*..... pg. 3
- *Tortfeasin' Tony's Top Ten Attorney Tracks*..... pg. 4
- *5 Things Lawyers Should Know About Working with Advertising Agencies* pg. 5
- *The Happiness Project* ... pg. 6
- *Lawyers Need A Laugh!* pg. 8

FEATURE BOOK



Call Us For a Free Copy of
Marc's Latest Book!

PAGE
1 OF 8

Below is pretty good summary of Captivate written by Sheila McKnight that I have adapted for attorneys.

Captivate is a collection of people skills you never learned in school. It outlines straightforward, but persuasive tricks you can adopt to solve people problems. Use these tricks to improve your practice, your relationships, and even increase your income. Captivate notes that people with great people skills make an average of \$29,000 more per year. No doubt, that dollar figure is multiplied many times for those in the high-end legal profession. Lawyers will find the more advanced techniques especially helpful for reading and motivating clients and employees.

Captivate argues that when you understand the laws of human behavior you can get along with anyone, and your influence, impact, and income will increase as a result. What's more, you will improve your interpersonal intelligence, make a killer first impression, and build rapport quickly and authentically in any situation—negotiations, interviews, parties, and pitches. You will never interact in the same way again.

THE BIG IDEA SHOW YOUR VULNERABILITY

"Having above average people skills is not about being perfect. It's not about never making a social blunder again. Rather, people who have great interpersonal intelligence leverage their vulnerability."- Captivate, page 233

You can leverage your vulnerability in interactions simply by diverting from expected scripts. Say how you really feel to see if you can start more meaningful conversations. By being open with others and sharing your uniqueness with them, you invite others to be open with you. And if you react to someone's openness with curiosity, understanding, and appreciation, that's when you build real connection.

Being genuine and attentive is increasingly an asset as the working world becomes more human-centered.

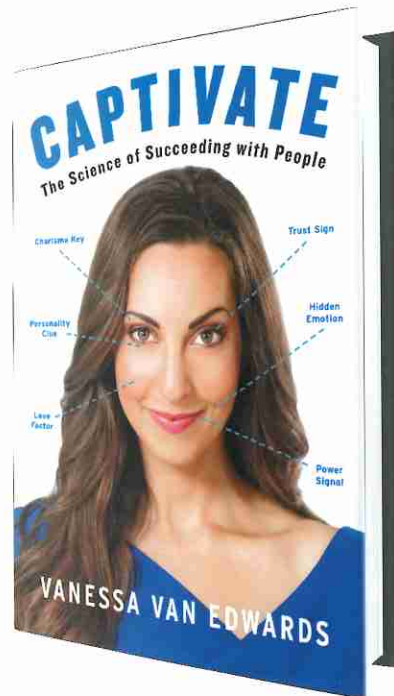
This is encouraging for those who pride themselves on these

qualities, including many introverts. While much of the advice on people skills suggests you try to come across as more extroverted, Van Edwards shows that the most valuable connections come from when you reveal your true self.

INSIGHT #1 LET YOUR UNIQUENESS SHINE

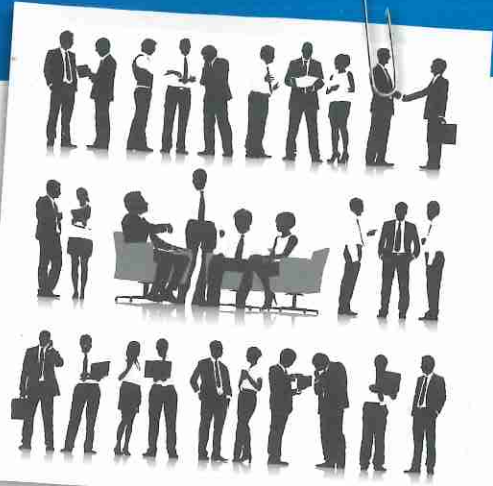
"Unique questions, unexpected stories, and uncommon occurrences keep us alert in conversation... being different wakes people up."- Captivate, page 64

Let your uniqueness shine through the words you use, the questions you ask, and the stories you tell. Since we get a dopamine spike from novel experiences, this will make you more memorable. The more unique details you communicate about yourself, the more chance you have of finding a meaningful common thread with someone. And the more common threads, the more you and the other person become attuned.



Pick some favorite conversational sparks to move beyond small talk. A question like "What's your story?" or asking for advice gets people talking about their values, hopes, and fascinations, and are more likely to reveal aspects that are important to both of you.

Try to insert novelty wherever you can in



your interactions with others:

- Spice up your job title. Even if just for networking, give yourself a fun title like "Professional People Watcher" (Van Edwards' tagline).
- Put an offbeat quotation in your email signature. Make it one you've written, maybe a favorite tweet.
- Serve people unique food and drinks. Like lemonade and cake pops instead of the traditional coffee and donuts.

INSIGHT #2 ASK PEOPLE ABOUT THEIR PERSONALITY

"Knowing someone's personality gives a tremendous boost to your persuasive powers."- Captivate, page 149

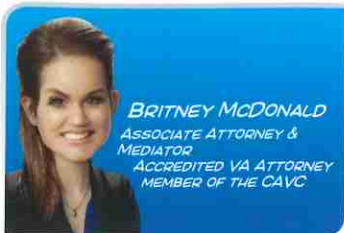
Use introduction periods with new friends, new employees, and new colleagues as a chance to ask people directly about their personality traits. It gives a purpose to your conversational spark questions, which can lead to a positive rapport.

Rate yourself first, then rate other people as high or low based on the Big Five:

Try to insert novelty wherever you can in your interactions with others:

- **Openness** – How they approach new ideas. Suggesting many projects at once might overwhelm someone with low openness.
- **Conscientiousness** – How they get things done. Long, detailed emails might intimidate someone who has low conscientiousness.

CONTINUES ON PAGE 7



BRITNEY McDONALD
ASSOCIATE ATTORNEY &
MEDIATOR
ACCREDITED VA ATTORNEY
MEMBER OF THE CAVC

ROBOT LAWYERS ARE TAKING OVER!?

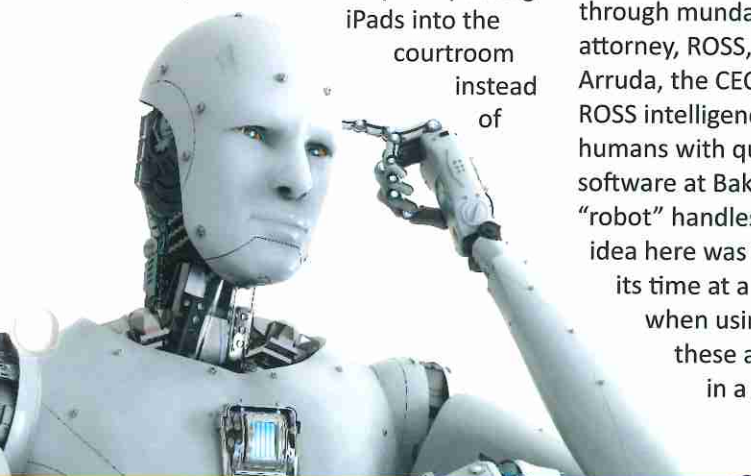
THEY'RE HERE!

It's 2018 and the Robot Lawyers are here! It's true, like many professions across the global workforce; technology has advanced in a way that many job functions, even certain jobs, have been replaced by computers and machines. Amid predictions that McDonald's employees will be replaced by high-speed efficiency kiosks and professional drivers will be replaced by self-driving transportation, lawyers have not been spared in the evolving technology. In the way that most lawyers no longer handwrite but rely on computers to type and record memos, briefs, everything—lawyers are now extensively relying on computers and even "Robots" to perform certain tasks or even entire areas of law.

TECHNOLOGY SIMPLIFYING OUR LIVES

For example, calendaring and filing used to be tasks that lawyers or staff physically performed by hand. While many firms still use secretaries and assistants to keep the attorneys in line with case documents, court dates, and client meetings, the process has become simplified using electronic programs. Legal case management software and electronic files have replaced bulky paper-filing systems.

Trial lawyers are more frequently taking iPads into the courtroom instead of



traditional materials. One of the best examples of legal technology simplifying our field has been online legal research through electronic databases like Westlaw and Lexis Nexis. These advances are necessary improvements to the practice of law, but what if the practice of law became entirely dominated through machines?

"CASE CRUNCHER ALPHA"

It is certainly true that with current technology it's possible for machines to "think" and evaluate cases based on existing statistics and case law in court. Consider the artificial intelligence program, Case Cruncher Alpha. This program was able to take 775 PPI (payment protection insurance) cases and predict the outcomes correctly 86.6% of the time, compared to 66.3% for actual attorneys. The creators, four bright Cambridge law students, understood that for many types of law, there is a lot of simplistic information that computers can sort through faster and more efficiently than humans.

ROSS: THE FIRST AI LAWYER

Increasingly, some firms are deciding to invest in AI lawyers instead of hiring expensive assistants or "baby lawyers" to pore over cases and sort through mundane material. The first AI attorney, ROSS, was created by Andrew Arruda, the CEO and co-founder of ROSS intelligence, to replace expensive humans with quicker, more efficient software at BakerHostetler, where the "robot" handles bankruptcy cases. The idea here was that the firm can bill out its time at a lower cost for its clients when using the robot and get these administrative tasks done in a fraction of the time.

ROBOTS BILL CLIENTS HOURLY AT LOWER RATES!

Currently 80% of American who need a lawyer cannot afford one. This new technology would enable new attorneys and sole practitioners to utilize a "robotic assistant" like ROSS to offer a lower barrier of entry into the market in order to create more affordable options for clients. Impressively, each of these mentioned robotic lawyers are engaged in "machine learning" which is where the programs only get more sophisticated with time as they continuing learning as they are used.

SHOULD WE PANIC?

Before you begin to panic, it is generally agreed upon that lawyers will not be replaced entirely by machines; most experts agree that the robots are positioned to take over administrative tasks for lawyers, but not the actual practice of law. Simplistic and voluminous data may be an easy target for these "robots," but according to Felix Steffek, a Cambridge law lecturer, the true question at this early stage of AI development is whether it will "remain limited to descriptive analysis or whether it will be capable of evaluating rules and events, and then whether it will be a tool for junior lawyers to use or something which replaces them."

ATTORNEYS AND ROBOTS WORKING TOGETHER

In the end, it is far more likely that these "robots" or machines will end up making our jobs as lawyers much easier. For example, many lawyers feared that companies like LegalZoom using programs to generate legal documents would replace a great number of attorneys.

CONTINUES ON PAGE 7

PAGE
3 OF 8

TORTFEASIN' TONY'S TOP TEN ATTORNEY TRACKS



ANTHONY VESSEL
ASSOCIATE ATTORNEY
& MEDIATOR

Hello out there in radio land!...

I'm your Disc Jockey- Tortfeasin' Tony!

and I am here again in the broadcast booth, compiling another list of media that have to do with the legal field. This time, it's not the visually appealing, but the tie-tightening, brief case-snapping, ballads that should have every lawyer tapping their oxblood wingtips to the beat.

**IN NO PARTICULAR ORDER,
HERE ARE MY TOP TEN PICKS:**

HURRICANE- Bob Dylan

This song is about a boxer, Rubin "Hurricane" Carter who was wrongfully accused and convicted (*by way of racial profiling*) and the legal battle that ensued thereafter. This song tells a more than compelling story and is classic Bob Dylan.

... AND JUSTICE FOR ALL- Metallica

I know after a rough day at the courthouse, I feel like doing a little head-banging of my own. However, the kind I'm talking about results in concussions and broken sheetrock, not heavy metal. Either way, the lyrical content and title appropriately land this one on the list.

LAWYERS, GUNS, AND MONEY

- Warren Zevon

I don't believe I need to elaborate past the title. So I won't.



PAGE
4 OF 8



KARMA- Waka Flocka Flame

The first line of the song is "I tell my lawyer 'get my back for all the crazy sh## I did' ..." Never has there been a more accurate, succinct sentence summing up the attorney-client relationship. Thank you Mr. Flocka Flame.

TESTIFY- Rage Against the Machine; **TESTIFY**- Common; **TESTIFY**- Stevie Ray Vaughan

Well, we have a three way tie for this spot as all very different artists share a common, eh, mutual title to their songs. RATM's song is about not being silent against corruption and oppression. Common's hip-hopera tells a tale of a woman who is begging the court to testify on behalf of her lover, but later it's revealed that she actually staged the whole thing and committed the crime herself. Stevie Ray Vaughan spoke his sweet words through wailing guitar solos and tasty licks. (*it's an instrumental*)

SUE ME, SUE YOU BLUES

- George Harrison

This is exactly what we do all day!! Plus it's from 1/4 of The Beatles (*Well 1/5 if you want to count Billy Preston, but that's for another day.*) NEXT.

D-I-V-O-R-C-E

- Tammy Wynette

I remember hearing this classic country tearjerker in my mom's car as a kid, not knowing what Tammy was spelling. Ironically, the primus of the song is that she's spelling DIVORCE so that her little boy doesn't find out what's going on. Sad!

COCAINE BLUES

Johnny
Cash

The "Man in Black" seldom shied away from legal troubles in his songs, and certainly doesn't in this one. He brings you all the way through his legal process, and actually performed and recorded the song live at Folsom Prison before a crowd of inmates.

99 PROBLEMS- Jay-Z

HOVA, Jiggaman, Sean Carter, or Beyoncé's husband... Jay-Z is known under a number of different monikers. In this song, a traffic cop stops him and almost mistakes him as "some type of lawyer or something" because of his legal knowledge of an attempted unlawful search, so that's good enough for my list.

*"The only difference
between a rich
person and a poor
person is how they
use their time."*

- Robert Kiyosaki

I FOUGHT THE LAW- The Clash

Last but not least, comes these punk rock icons singing about a case that didn't go their way... I'm sure nearly everyone out there can commiserate about a time we fought the law, and came up a little short. If not, drop me your email and I'll send you some referrals!! ☺



5 THINGS LAWYERS SHOULD KNOW

About Working with Advertising Agencies.

To outsource or not to outsource, that is the question.



Advertising, marketing, digital firms are all great resources to use for your marketing needs. I have had the pleasure of working for a few agencies prior to my arrival at Marc Whitehead & Associates, and as a result I am here to provide some useful insights you can use to ensure you are utilizing this resource to its fullest potential.

Read Your Contract

You are all contract-oriented people, right? Read, read, and read again. Read before you sign. Ask questions about what is included in your contract. Ask questions about what is not included in your contract. If promises are made, ask that it is either added to the contract or have email documentation about the items are you asking about.

The phrase "handshake agreement" makes my skin crawl. Get it in writing.

Some agencies like to offer a "package" contract, and list some broad services like SEO, Social Media and Creative services. How much time do they intend on allocating towards your account? What kinds of social media activities will they be performing? What kinds of tactics will they be doing to improve your Google rank?

Ensure that you and your agency are on the same page about the work performed and

the time it will take them to do said work. Most dissatisfaction with agencies stems from unmanaged expectations, which can all be avoided when properly set from the beginning.

It's All About Me

In the first 90 days of your relationship, and at minimum the first 30, the agency should be doing everything it can to learn about you, your firm, and your goals.

They should be asking lots of questions. Lots. Of. Questions. They should be asking about your competitors, what makes you profitable, what keeps you up at night.

Provide numbers for benchmarking, and then be crystal clear about how you define a success. Then, moving forward, every activity your agency performs on your behalf or any program or campaign they recommend should have the intended purpose of reaching a stated goal.

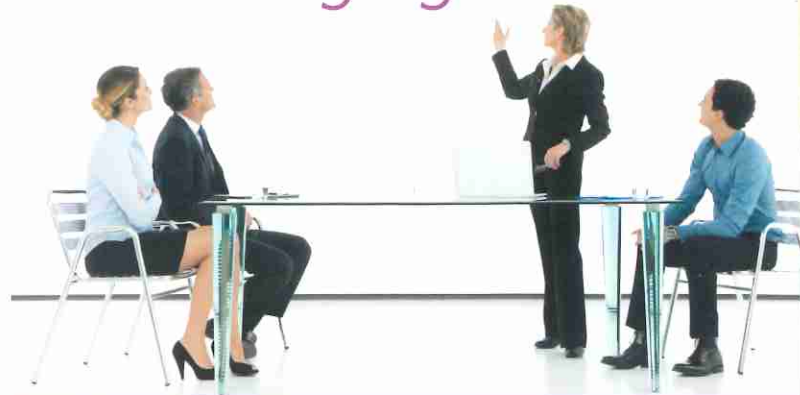
If your agency is contracted to do any sort of writing on your behalf, it is imperative they've done their homework in getting to know you and your industry. Their writing needs to have the right tone, speak to the right audience, and above all be accurate!

Make sure there's time allocated in your contract for this type of ramp-up- which is another good reason to really read that thing.

Your Agency is a Polygamist

You are not your agency's only client. More specifically, you are not the only account your account manager has on their plate, unless you are spending an insane amount of money (upwards of \$50k per month).

That's not to say you shouldn't



expect responses in a timely manner, deadlines to be achieved or good relationship building to be had. Just know that they are not thinking, living, breathing your firm 24/7 like an in-house marketing director (such as yours truly) would be doing.

This is why I don't recommend putting 100% of your marketing needs outside the firm. You should have someone in-house designated to work with your agency and you, to make sure that all marketing activities are aligned, completed, accurate, and are generating results.

Own Your Work and Accounts

I am a firm believer that you own your files. Any time an agency creates an art brochure, a logo, a landing page, you should request and have the native, editable file as well as all the different versions of a file you might need.

There are multiple reasons for this. Your agency could close shop, you could hire a marketing director who has some graphic design capabilities, you might want to hire a freelancer to make small changes to a brochure you had created years ago.

This is one of those things I suggest you get in writing from the beginning, because not

all agencies will provide the native files.

Output is Only as Good as Input

Make sure you are open, honest and forthcoming about your goals, competitors, firm image, etc.

If the agency is requesting you to provide an asset, information or approval, and a deadline is contingent on receipt, get them what they need in a timely manner.

When feedback is requested on a project, be detailed and specific. For example, you may hate the way an advertisement turned out.

Tell them exactly what it is you don't like about it and give some direction for changes, so that your agency can provide a revised advertisement that is more in line with your expectations.

Agencies perform their best work when their clients are engaged and work collaboratively with their team.

Make 2018 the year you see the very best return, from both you and your firm and the advertising agency who is lucky enough to have you as a client. ☺

PAGE
5 OF 8

THE HAPPINESS PROJECT



So it's the beginning of 2018 and everyone is busy making resolutions destined to fizzle and die by the beginning of spring.

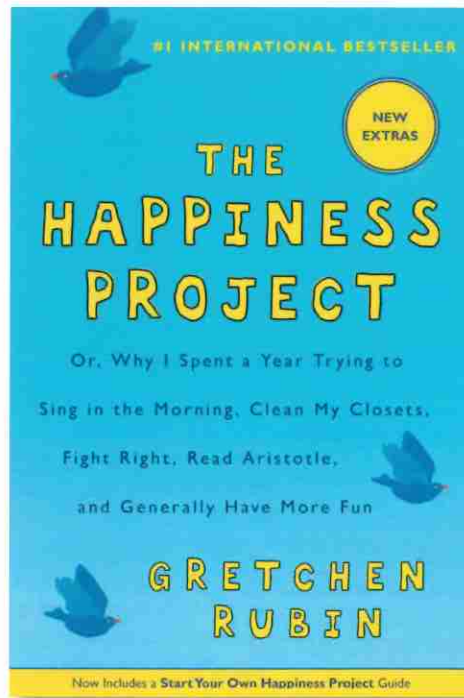
This year, why not take the time to sit down and actually make a concrete plan; one you can keep, instead of enthusiastically setting these lofty goals without any plan of action. Enter, *The Happiness Project* by Gretchen Rubin.

The Happiness Project is a foray into all the self-help, self-improvement, tips and tricks we are bombarded with on a seemingly daily basis. Smile more, be grateful, make your bed in the mornings, be smart with your money but also "treat yo'self," be humble but also confident, on and on and on. The thing that sets this self-help book apart from the masses is the structure it provides and the ability to tailor it to the individual. It helps you take these nuggets of wisdom people insist on throwing in our faces and turn it into something useful and, dare I say, exciting.

In a nutshell, *The Happiness Project* tells you to set 12 resolutions/goals/ambitions for yourself for the year, then you just go down the list starting a new goal each month. You spend the first month working on the first item on your list. Then the next month you move to the second item on

your list while still implementing all the things you learned from the month before. So on and so on, until the twelfth month when you are working on all 12 goals at the same time and, hopefully, well on your way to living your best life, being the best version of yourself, [insert cheesy language here].

For us lawyers, I thought it would be a good idea to use this framework to become the best lawyer/team leader/boss we can be, or use it to finally achieve that work-life balance you've dreamed of.



Here are a few examples of what my happiness project consists of:

1 Learn Spanish – I'm using the app Duo Lingo, it's free and helps you start from scratch and learn a foreign language with 10-15 minutes a day (no, unfortunately we're not getting paid for this plug).

2 Develop and take control of my own docket of cases – I want to have my own team someday,

"If at first you don't succeed, take the tax loss."

– Kirk Kirkpatrick

but you can't have a team without a docket so that's where I'll start.

3 Work out regularly – This is for my own sanity and for the safety of those around me.

4 Resist the gossip mill – Instead, opt for complimenting my teammates and encouraging hard work and team unity.

5 Practice saying "NO" – If you're swamped with work and can't possibly get everything done in time to go on that long-scheduled date with your significant other, it's ok to say "NO" to the next person who tries to dump an appeal or MSJ on your desk.

6 Finally, be grateful for what I already have – At the end of the day we're all lawyers, which means we had the opportunity to go to

college, go to law school, pass the bar, and get a job; these are things some people only ever dream of. Lawyers are ambitious people by nature but that shouldn't stop us from practicing gratitude. #Blessed. ☺



- **Extroversion** – Their approach to interacting with people. Someone with low extraversion may find working in a team overwhelming.
- **Agreeableness** – How they cooperate with others. Someone with high agreeableness may accept all suggested projects, but might not know where to start.
- **Neuroticism** – How stable their mood is. Frequent check-ins from a colleague may be frustrating to someone with medium to low neuroticism.

When deciphering someone's personality, also focus on their primary value. We all have a need that's stronger than others during professional, social, and romantic interactions.

An attorney's primary professional value is information. We're always reading as much as we can and then looking to share what we learn. Knowing someone's primary value is the key to pleasing them.

- **Love** – Needs to feel accepted, liked by others. Make them feel liked by including them.
- **Service** – Needs to feel supported and cared for. Do a favor for them.
- **Status** – Needs to be praised and respected by others. Give them credit.
- **Money** – Needs to feel financially secure. Give them bonuses.
- **Goods** – Needs to collect things. Make sure their workspace is comfortable.
- **Information** – Needs to be in the know and give advice. Keep them in the loop and ask for their opinion.

Add to these characteristics to someone's appreciation language and you have an even

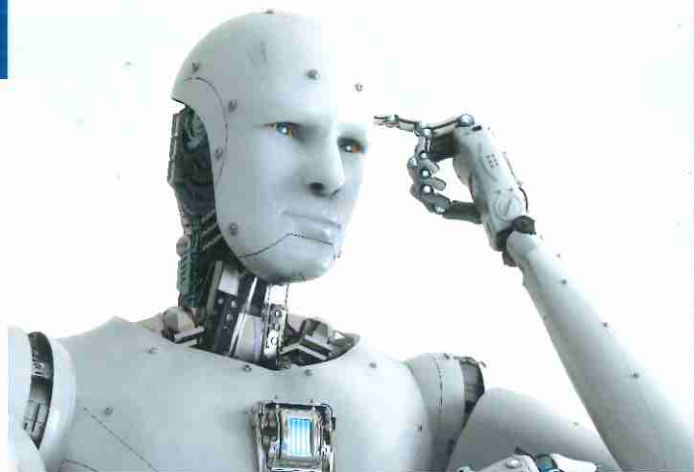
more complete picture of how to interact successfully with them. To figure out how someone likes to be appreciated, watch how they treat you and others. They may like hanging out in your office, hugging instead of shaking hands, or bringing back little gifts for you from their trips. You can also bring up questions in conversation like, "What's the nicest thing someone has ever done for you?", or more directly, "How do you celebrate your successes?"

- **Words of affirmation** – Express care through the written word. Write check-in emails.
- **Gifts** – Express care through small gifts. Thank you gifts, birthday gifts, etc.
- **Physical touch** – Express care through touch. Handshakes, arm pats, high fives.
- **Acts of service** – Express care by doing things for others. Help with task completion.
- **Quality time** – Express care by being in the presence of the other. Lunches or drinks, coming in early or staying late.

Eventually, you may learn to speed-read new acquaintances. This involves watching for "microexpressions", brief, involuntary facial expressions from immediate emotional reaction.

For example, asking an introvert "Do you know anyone else here?" at an event may result in a flash of fear. Or you may notice flashes of frustration when delivering a highly detailed presentation to a client who has low conscientiousness.

The belief that it's your responsibility to create engaging interactions and relationships is the first step in connecting more. When bogged down by the complexity of social situations, remember that you can control whether you're captivating or not. **Now, go out and make it rain!** ☺



FROM PAGE 3

ROBOT LAWYERS ARE TAKING OVER!?

In reality, this hasn't happened; instead programs like NOLO and Quicken Willmaker are being used by solo practitioners to help them work more efficiency. The robots will enable us to see strategies we never considered and catch mistakes we never would have noticed, among other improvements to our profession. Indeed, some workers will likely be replaced by this advancing technology—that is usually the case when artificial intelligence enters the field; but there are duties material to the practice of law that cannot be replaced by machines.

"Success means only doing what you do well, letting someone else do the rest."

– Goldstein S. Truism

It won't be anytime soon before you see a robot addressing a jury or judge. As Ian Dodd, the UK director of the legal analytics company Premonition put it, "The knowledge jobs will go, the wisdom jobs will stay!" Under current law anyway, machines cannot be admitted into the State Bar; here's to hoping it stays that way! ☺

Lawyers Need a Laugh! – New Year's Edition

We are gearing up for 2018 to be our best year yet. Get inspired by the ambitious resolutions our team has set for ourselves.

Marc

- Gather the nerve to wear the Trump ties I got for Christmas out in public.
- Find an occasion to open a bottle of Trump wine.
- Become as limber as my Pilates instructor.

Anthony

- Start for the 2018 Houston Astros (hey, they need another Lefty in the bullpen...).
- Choose new walk out music, nickname, and catch phrase.
- Have Justin Verlander teach me how to throw over 100 MPH.
- Become best friends with George Springer and Jose Altuve.
- Confront creepy guy in fake mustache fixated on how "nice n' limber I am" while instructing my pilates classes.

Britney

- Find more occasions to eat cake- good cake. Which unfortunately probably means going to more weddings.
- Try to watch more football so my husband and office and I have more in common.
- Be more adventurous and spontaneous- do things this year that I was either too scared or too lazy to do in past years.



EVERY GYM OWNER ON JANUARY 1ST

Madison

- Watch enough murder documentaries so that one day (if need be) I can get away with murder.
- Become the President of the United States. Hey, anyone can do it these days.
- Become smarter than the President of the United States.
- Finally address the toxic relationship I have with the Texas A&M football team. ☺

DISABILITY & INSURANCE DENIALS



MARC WHITEHEAD & ASSOCIATES
ATTORNEYS AT LAW, LLP
A NATIONAL DISABILITY CLAIMS LAW FIRM

5300 Memorial, Suite 725
Houston, Texas 77007

800-562-9830 • 713-228-8888

marc@marcwhitehead.com

We represent sick or injured workers and Veterans who have been improperly denied their Social Security Disability/SSI, Long Term Disability or Veterans Disability benefits. We specialize in the following:

Long Term Disability Insurance Denials

Administrative Appeal • Federal ERISA Claims
Bad Faith Insurance Denials

Social Security Disability Claims

ALJ Hearings • Federal Appeals

Veterans Disability Claims

Regional Office Hearings • Board of Veterans' Appeals Hearings • U.S. Court of Appeals for Veterans Claims Appeals

Visit our web site and download these FREE e-books!

Marc Whitehead

Board Certified-Social Security Disability Law, National Board of Social Security Disability Advocacy
Board Certified-Personal Injury Trial Law, Texas Board of Legal Specialization
AV Preeminent Rated by Martindale-Hubbell

www.DisabilityDenials.com

